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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,937	12/09/2003	Yoshikazu Shibamiya	00862.023364.	2394
5514 7590 08/05/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
LIN, JASON K				
ART UNIT		PAPER NUMBER		
2623				
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08/05/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,937

Applicant(s)

SHIBAMIYA ET AL.

Examiner

JASON K. LIN

Art Unit

2623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 19-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 05/22/2008
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to application No. 10/729,937 filed on 05/22/2008. **Claims 19-24** are pending and have been examined.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/22/2008 has been entered.

Information Disclosure Statement

3. The information disclosure statement (IDS) filed on 05/22/2008 is considered.

Response to Arguments

4. Applicant's arguments with respect to claims 19-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 19-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (US 2001/0011373) hereinafter referred to as Inoue'373 in view of Inoue (US 2002/0044144) hereinafter referred to as Inoue'144.

Consider **claims 19 and 22**, Inoue'373 teaches a display control apparatus and method generating an electronic program guide images matrix format with time and channel and displaying a generated electronic program guide image to a display unit (1-Fig.1; Paragraph 0008, 0016), said display control apparatus comprising:

an information acquisition unit configured to acquire program information associated with each of programs to be broadcasted (Paragraph 0061, 0063, 0074 teaches a receiving apparatus for receiving TV program information, as well as information to be used for displaying the EPG, also referred to as SI (service information). Fig.3 and Paragraph 0086 teaches program information associated with a plurality of programs to be broadcast);

a controlling unit (1-Fig.1) configured to generate first and second electronic program guide images using acquired program information, wherein each electronic program guide image comprises program information display areas in the matrix format based on broadcasting time and channel of programs (Fig.3; Paragraph 0008, 0016, 0081), and wherein the first electronic program guide image displays program information corresponding to programs of longer than a predetermined duration and does not display program information corresponding to

programs of less than or equal to the predetermined duration (Fig.3 teaches displaying program information {titles} of program longer than some duration. Paragraph 0085 teaches "a short time program (such as a weather forecast, a news or the like) for 3 to 5 minutes may be too short to display the character or text indicating the title of the TV program in the EPG display"), and the second electronic program guide image displays program information corresponding to program of longer than a predetermined duration (Fig.3 teaches displaying program information {titles} of program longer than some duration) and displaying program information corresponding to programs of less than or equal to the predetermined duration (Paragraph 0085 teaches that when the user selects the short program cell, the content of the short program cell is shown in the summary information field).

an input unit configured to accept instruction input from a user for selecting which the first electronic program guide image and the second electronic program guide image is to be displayed (Paragraph 0085 teaches "when the user selects such a short program cell." *The information for the short program cell is only shown when it is selected, based on input from the user.* Paragraph 0090-0091 teaches user movement/selection with the remote controller 12-Fig.5. *Therefore, selection of a short program cell creates a changed program guide, so first and second electronic program guide image is considered different); and*

a display control unit configured to display either the first or the second electronic program guide image according to the instruction input (9-Fig.1; Paragraph 0085 teaches "when the user selects such a short program cell." *The information for the short program cell is only shown when it is selected, based on input from the user.* Paragraph 0090-0091 teaches user movement/selection with the remote controller 12-Fig.5. *So depending on user instruction input, the display processor would be configured to display either the 1st or 2nd program guide image).*

Inoue'373 does not explicitly teach also displaying program information corresponding to programs of less than or equal to the predetermined duration within the matrix format with time and channel.

In an analogous art Inoue'144 teaches, displaying program information corresponding to programs of less than or equal to the predetermined duration within the matrix format with time and channel (Fig.6; Paragraph 0087-0087, 0091 teaches that the cells not displaying the title in a corresponding cell can be selected by the user and the selected program cell pops up as shown in Fig.5 displaying information about the program).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Inoue'373 to include displaying program information corresponding to programs of less than or equal to the predetermined duration within the matrix format with time and channel, as taught by Inoue'144, for the advantage of providing users with intuitive feedback to

view desired information about a program, directly within the vicinity of the selected program cell, while allowing users to easily view and continue to be able to visually associate the displayed information with the selected programs channel and time.

Consider **claims 20 and 23**, Inoue'373 teaches wherein said controlling unit generates the first electronic program guide image which display the area corresponding to a program of less than or equal to the predetermined duration as only a program cell (Inoue'373 - Paragraph 0085).

Inoue'144 further teaches a program cell can be a colored area such that existence of a program can be recognized (Paragraph 0081, 0089).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Inoue'373 and Inoue'144 to include a program cell can be a colored area such that existence of a program can be recognized, as further taught by Inoue'144, for the advantage of allowing a user to check a program cells information easily (Inoue'144 - Paragraph 0027-0028), allowing users to easily distinguish the long programs from the short programs.

Consider **claims 21 and 24**, Inoue'373 and Inoue'144 teach further comprising:

an operating unit (Inoue'373 - Fig.1, Fig.5) configured to accept selection of a program placed on a program information display area in a displayed electronic program guide image in matrix format from the user (Inoue'373 - Paragraph 0090-0091; Inoue'144 - Paragraph 0087),

wherein said controlling unit controls movement of a cursor, which indicates the currently selected program, among programs of less than or equal to the predetermined duration when the second electronic program guide image is displayed in the display unit (Inoue'373 - Paragraph 0085 teaches "when the user selects such a short program cell." *The information for the short program cell is only shown when it is selected, based on input from the user.* Paragraph 0090-0091 teaches user movement/selection with the remote controller 12-Fig.5. Inoue'144 – Paragraph 0091).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

Art Unit: 2623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Lin

08/02/2008

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623